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Paper No. 9

Bradley D. Lytle
OBLON, SPIVAK, MCCLELAND,
MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202

APR 17 2002

In re Application of	:	
HEMMINGSON	:	DECISION
Application No. 09/554,914	:	ON PETITION
Filed: August 14, 2000	:	
Attorney Docket No. 9847-0050-6X PCT	:	

This is a decision on the petition, filed March 20, 2002 requesting that the prosecution in the above-identified patent application be suspended for a period of six months under 37 C.F.R. § 1.103(a), and an additional six months, pursuant to MPEP § 1002.02(c)9, for a total of twelve months, beginning with the filing of the subject Petition.

Regarding a suspension on request of the applicant, 37 CFR 1.103(a) provides:

- (a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
- (1) A showing of good and sufficient cause for suspension of action; and
 - (2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office


In the Request, to establish cause, Petitioner states that the claims and issues of the instant application are relevant to the claims and issues in at least U.S. Application No. 08/873,019 which Petitioner ultimately intends to appeal. Further, because the appeal of 08/873,019 will materially affect the prosecution of the instant application, the instant application should be suspended pending the decision on appeal of 08/873,019.

A review of the record indicates that the claims and issues of the instant application **are currently**

relevant to the claims and issues in U.S. Application No. 08/873,019. However, since the issues of U.S. Application No. 08/873,019 have not yet been presented on appeal to the Board of Patent Appeals and Interferences, the Petition is denied as untimely. The period for response to the outstanding Office Action continues to run three (3) months from the April 01, 2002 mail date.

The petition is DENIED.

Inquiries regarding this decision should be directed to Richard Seidel at (703) 306-3431.



Richard Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components